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E-Filed 7/2/2009

Attorneys for Defendants
CITY OF SUNNYVALE,
CHRIS SEARLE and DARREN PANG

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIKA CANAS, JOSE CANAS, a minor, by
and through his guardian ad litem, and JESUS
CANAS, by and through his guardian ad litem,

Plaintiffs,
vs.

CITY OF SUNNYVALE, CHRIS SEARLE,
DARREN PANG and DOES ONE through
TWENTY-FIVE,

Defendants.

Case No.: C08-05771 JF (PVT)

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

The parties, acting by and through their respective legal counsel, herein stipulate for an Order continuing the Case Management Conference and related filing requirements including the joint statement and Rule 26 disclosures and Report from Friday, 10:30 a.m., July 17, 2009 to a new hearing date for the CMC on Friday, 10:30 a.m., September 4, 2009. The filing date of the Joint Case Management Statement and the date for initial disclosures and Rule 26(f) Report are continued to August 28, 2009.

Good cause exists for this stipulation because defendants have filed a motion to dismiss the plaintiffs' second amended complaint which is scheduled for hearing on Friday July 17, 2009. It is therefore presently uncertain which causes of action, if any, will proceed. The parties agree that said motion should be resolved and the case be "at issue" before the Case Management Conference is held with the Court.

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3 So Stipulated:
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5 Dated: June 30, 2009

ROBERTS & ELLIOT LLP

6 By: _____ /s/
7 James Roberts, Attorney for Plaintiffs
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10 Dated: June 26 , 2009

BERTRAND, FOX & ELLIOT

11
12 By: _____ /s/
13 Gregory M. Fox
14 Attorneys for Defendants
15 CITY OF SUNNYVALE, CHRIS SEARLE and
16 DARREN PANG
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ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/s/) within this E-filed document.

Dated: July 1, 20009

_____ /s/
Gregory M. Fox

ORDER

Good cause appearing, the stipulation is so ordered.

Dated: July 2, 2009

Honorable Jeremy Rogel
UNITED STATES DISTRICT COURT